IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.2064 of 2008
1. MAMTA KUMARI
2. Chhotiya Kumari
Versus

STATE OF BIHAR
- - - -

5. 14.8.2008 The Court is not satisfied with the show cause and the same is rejected for the following reasons.

The Circle Inspector of Police Circle at Fatuha has tried to shift his responsibilities upon the Additional Chief Judicial Magistrate, Patna City, by stating that the Additional Chief Judicial Magistrate, Patna City, drew up an order directing submission of the injury report to him for transmitting the same to this Court. A direction was issued to P.M.C.H. through the Special Messenger at the request of the informant. The Officer has further stated that because the injury report was not submitted to the Additional Chief Judicial Magistrate then the Officer made attempts and as such the report was not submitted.

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The above statement appears against the practice as per which it is the concerned Superintendent of Police, Dy.S.P. or other

Officers, like, the present contemner who have the responsibility of submitting the police diary or any part thereof, like, the injury report on the direction of this Court issued to the Chief Judicial Magistrate or Additional Chief Judicial Magistrate of the concerned stations. The Chief Judicial Magistrate or the Additional Chief Judicial Magistrate transmits the order of this Court to the above noted Police Officer for compliance. Thus, it was the duty of the contemner to procure the injury report but he appears ignoring the same in transmitting the same. The Court had only desired submission of the injury report. It had never desired submission of the case diary as appears from the order passed on 25.3.2008. Non-submission of the injury report on account of not taking proper and appropriate steps for procuring the same by the contemner appears intentional and that caused interruption in the present judicial proceeding.

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While hearing the learned Additional Public Prosecutor on the show cause, I found that he was attempting to shift the

responsibility from the contemner to the Additional Chief Judicial Magistrate, Patna, City. He was making submission against the orders of this Court passed on 23.4.2008 and that also indicates the degree of contempt and disrespect to the direction of this Court and an intentional act of causing interruption in the present judicial proceeding and in its disposal.

It is established beyond reasonable doubt for the above reasons that the Circle Inspector of Police Circle has intentionally disobeyed the orders of this Court. As such, he is directed to pay a fine of rupees one hundred only or to suffer S.I. for two days in default. The Additional Chief Judicial Magistrate, Patna City, shall issue warrant of arrest for the arrest of Circle Inspector of Police Circle at Fatuha in case of default in paying the fine in one month time so that he is arrested and committed to the custody.

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As regards the prayer of the two petitioners, they are two young ladies facing allegation of firing shots on the informant. The photocopy of the injury report appearing

at Flag 'C' indicates that five lacerated wounds of very superficial depth were found on the person of the informant and the Doctor was not certain as to what was the weapon used for causing that injuries, considering that, let the above named two petitioners, who are ladies, be directed to be released, either in the event of their arrest by the police or surrender before the court below on their furnishing bonds each of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna City, in Fatuha P. S. Case No. 179 of 2003, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

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(Dharnidhar Jha, J.)